

REMARKS / ARGUMENTS

The Amendment after Final and the Advisory Action

Claim 21 is currently pending in the application. In the amendment after final rejection dated May 6, 2002, Applicants cancelled Claim 21 without prejudice and added new Claim 26. In the Advisory Action dated May 21, 2002, the Examiner alleged that Claim 26 would raise new issues requiring "a new search for the cells contain a stem cell factor receptor and the antibody binds to an epitope recognized by human stem cell factor." The proposed amendments in the after final response were not entered by the Examiner and Applicant's reply was deemed to be insufficient to overcome the outstanding rejections.

Request for Continued Examination and Amendment

Applicants hereby submit a Request for Continued Examination of the above-referenced application. Accompanying this request is an amendment in which Claim 21 has been cancelled without prejudice and Claims 26-44 have been added. The new claims are fully supported by the specification and therefore do not raise issues of new matter or issues requiring further consideration and/or search. Applicants request entry of the amendments.

Rejections under 35 U.S.C. 112

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The rejection is moot in view of Applicants' cancellation of Claim 21 and in view of the arguments set forth in the after final amendment of May 6, 2002.

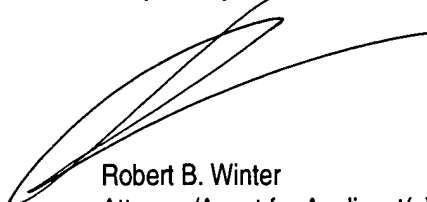
Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as the specification allegedly fails to enable the claimed subject matter. It is argued that the specification fails to teach the complete method and does not provide working examples of all the steps required to practice the method. The Examiner also argues that cancer therapy is unpredictable. It is alleged that undue experimentation would be required to carry out the claimed method.

For the reasons set forth in Applicants' amendment after final dated May 6, 2002, it is believed that the rejection may be properly withdrawn.

CONCLUSION

After entry of the amendments, Claims 26-44 are believed to be in condition for allowance and an early notice thereof is solicited.

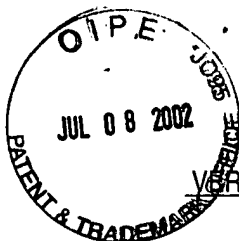
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert B. Winter', is written over the typed name and contact information.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

... HMC-1, (Butterfield et al., Leukemia Research 12:345 (1988)) bladder carcinoma cell lines 5637 (ATCC HTB9), COS (ATCC CRL 1650), BHK (ATCC CCL 10); the gastric carcinoma cell line KATO3 (ATCC HRB103); the small cell carcinoma lines H69 (ATCC HTB 119), H128 (ATCC HTB 120); and the breast carcinoma cell line DU4475 (ATCC HTB 123), which have been deposited with the American Type Culture Collection, [Rockville, Maryland] 10801 University Boulevard, Manassas, VA 20110-2209. Preferred antigens are the human erythroleukemia cell line OCIM1.

The preferred monoclonal antibodies of the present invention are those designated SR-1, deposited as BA7.3C.9 with the American Type Culture Collection, [Rockville, Maryland] 10801 University Boulevard, Manassas, VA 20110-2209, USA on April 4 1991, and given the Accession Number HB10716.